IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 30551 of 2007(K)

PETITIONER:

P. RAHIM, RESHMA MANZIL, ITC ROAD,
KUMBAZHA, PATHANAMTHITTA.

BY ADV. SRI. PHILIP M. VARUGHESE

RESPONDENTS:
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1. **ADDL.DISTRICT MAGISTRATE, COLLECTORATE,**
   PATHANAMTHITTA.

2. **THE SUPERINTENDENT OF POLICE,**
   PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

WP(C) No. 30551 of 2007

Dated, this the 24th day of October, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext.P5 order canceling the explosive licence, that was granted to the petitioner. It is evident from Ext.P5, which cancels the explosives licence, that the shops in question is in Pathanamthitta town, near the private bus stand. It is also stated that the place is a busy commercial area and a place of public assembling and thickly populated. Taking in to account these facts, the Superintendent of Police recommended cancellation of the explosive licence of the petitioner for the safety of public life and property. Thereupon, the 1st respondent considered the matter and agreed with the recommendation of the Superintendent of Police and it is on that basis Ext.P5 has been issued. I see no justification to take a different view in the matter. Safety of the general public and property is certainly a matter of prime concern. This Court will not be justified in sitting in appeal in such a matter and deciding otherwise and that too, merely on the affidavit of interested parties.

2. In so far as, the 2nd prayer for a direction to the respondents to grant temporary permit under Rule 168 (2) of

Explosive Rules is concerned, it is submitted that the petitioner needs a temporary permit for liquidating the existing stock available with him. However, I find that he has not made any application for that purpose. In the circumstances, it need only be clarified that if the petitioner makes an application for temporary permit in terms of Rules 168(2) of the Explosives Rules, the authority shall consider the same and pass appropriate orders without delay.

This writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

jg